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From: **Richard L. Mayer** Date: **May 7, 2007**
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 (including cover)

Please deliver to:

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Message:

U.S. Application Serial No 10/089,395

As per telephone conversation with Ex. Lisa Young of today, I am attaching a copy of the Notice of Appeal/Ext of Time and proof of mailing.

Karin Kuhnla (sec to Richard L. Mayer)

Original will not follow Original will follow by Regular Mail Overnight Delivery Hand Delivery

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New York Washington, DC Silicon Valley www.kenyon.com

Case No. 10191/2328
Ser. No. 101089395

P2673USW
Atty. game
Due Date 2/22/07

The Impressed Mail Room date stamp acknowledges receipt of the date indicated of:

- Application
- Amendment
- Assignment
- Notice of Appeal
- Prior Art Statement
- Appeal Brief

- Extension Request
- Priority Document
- Issue Fee
- Declaration
- Small Entity

Dep acc't 110600



[10191/2328]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Frank KOWALEWSKI
 Serial No. : 10/089,395
 Filed : July 17, 2002
 For : DATA TRANSMISSION METHOD
 Examiner : Anh-Vu H. LY
 Art Unit : 2616
 Confirmation No. : 5213
 Mail Stop: AF
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: 2/20/07
 Signature: Georgina Galan
Georgina Galan

NOTICE OF APPEAL AND REQUEST FOR EXTENSION OF TIME
PURSUANT TO 37 C.F.R. §1.136(a)

Applicant hereby appeals the Examiner's decision made in the Final Office Action dated August 22, 2006, finally rejecting claims 9-16. Applicant also respectfully requests a three-month extension of time in which to file the Notice of Appeal from the final Office Action of August 22, 2006, for which a response period was set to expire on November 22, 2006. The three-month extended period for response expires on February 22, 2007.

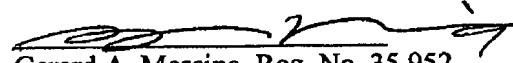
Applicant previously petitioned for a one-month extension of time and authorized payment of the associated fee with the filing of the Amendment dated December 22, 2006. Therefore, the fee for obtaining the three-month extension of time is believed to be \$900.00 (\$1,020 less \$120 already paid).

The Commissioner is hereby authorized to charge the payment of the 37 C.F.R. § 41.20(b)(1) Notice of Appeal fee of \$500.00, and to charge payment of the 37 C.F.R. § 1.136 (a) extension of time fee of \$900.00 to **KENYON & KENYON LLP**, Deposit Account No. 11-0600. Any additional fees deemed necessary should also be charged to Deposit Account No. 11-0600. An additional copy of this Notice is enclosed for that purpose.

Respectfully submitted,
KENYON & KENYON LLP

Dated: February 22, 2007

By:


 Gerard A. Messina, Reg. No. 35,952
 One Broadway
 New York, New York 10004
 (212) 425-7200
 CUSTOMER NO. 26646

NY01 I315955 v1

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TOTAL P.03